

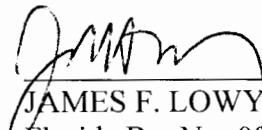
**UNITED STATES DISTRICT COURT
FOR THE SOUTHERN DISTRICT OF NEW YORK**

IN Re: Ski Train Fire in Kaprun Austria On November 11, 2000	X	
:	:	01-md-1428 (SAS)
:	:	
This document relates to the following actions:	X	
Blaimauer et al Plaintiffs,	:	
- v -	:	03-cv-8960 (SAS)
Omniglow et al	:	
Defendants	:	
	X	
Geier et al Plaintiffs,	:	
- v -	:	03-cv-8961 (SAS)
Omniglow et al,	:	
Defendants	:	
	X	
Mitsumoto et al Plaintiffs,	:	
- v -	:	06-cv-2811 (SAS)
The Republic of Austria et al,	:	
Defendant	:	
	X	
Mitsumoto et al Plaintiffs,	:	
- v -	:	07-cv-935 (SAS)
Robert Bosch Corporation et al,	:	
Defendants	:	
	X	
Stadman et al Plaintiffs,	:	
- v -	:	07-cv-3881 (SAS)
Austrian National Corporation et al,	:	
Defendants	:	
	X	
Ferk et al Plaintiffs,	:	
- v -	:	07-cv-4104 (SAS)
Omniglow Corporation et al,	:	
Defendants	:	
	X	

NOTICE OF APPEAL

Notice is hereby given that Plaintiffs, Hermann Geier, Birgit Goetz, Irwin Goetz, Manfred Hiltel, Markus Hiltel, Thomas Kraus, Maria Mayerhofer-Karg, Roland Mayerhofer, Agnes Wolf, and Joop Stadman, by and through their undersigned counsel, hereby appeal to the United States Court of Appeals for the 2nd Circuit from the June 10, 2008 Order of the Honorable Shira A. Scheindlin USDJ, entered by the Clerk of the Court on June 16, 2008 (see composite Exhibit 1).

Respectfully Submitted,
International Law Group, LLC



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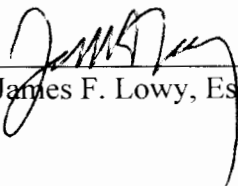
CERTIFICATE OF SERVICE

I HEREBY CERTIFY that I caused the within Notice of Appeal to be filed with the Clerk of the Court and a courtesy hard copy is being served upon all counsel of record in this case as per the attached.

A courtesy copy of the papers is being forwarded to the Honorable Shira A. Scheindlin USDJ.

Additional courtesy copies are being electronically, faxed and/or served and to counsel of record.

Dated: July 16, 2008.



James F. Lowy, Esquire

Defendants' Counsel of Record in All Cases

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**UNITED STATES DISTRICT COURT
SOUTHERN DISTRICT OF NEW YORK**

-----X
IN RE: SKI TRAIN FIRE IN KAPRUN AUSTRIA
ON NOVEMBER 11, 2000

-----X
This document relates to the following actions:
-----X

JOHANN BLAIMAUER, et al.,
Plaintiffs,

-against-

OMNIGLOW CORPORATION, et al.,
Defendants.

-----X
-----X

HERMAN GEIER, et al.,
Plaintiffs,

-against-

OMNIGLOW CORPORATION, et al.,
Defendants.

-----X
-----X

NANAE MITSUMOTO, et al.,
Plaintiffs,

-against-

THE REPUBLIC OF AUSTRIA, et al.,
Defendants.

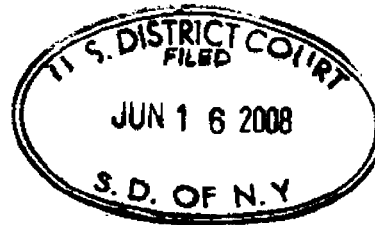
-----X
-----X

NANAE MITSUMOTO, et al.,
Plaintiffs,

-against-

ROBERT BOSCH CORPORATION, et al.,
Defendants.

-----X



01 MDL 1428 (SAS)

SCANNED

03 CIVIL 8960 (SAS)

JUDGMENT

03 CIVIL 8961 (SAS)

06 CIVIL 2811 (SAS)

07 CIVIL 0935 (SAS)

"Composite exhibit 1"

-----X
JOOP H. STADMAN, et al.,
Plaintiffs, 07 CIVIL 3881 (SAS)

-against-

AUSTRIAN NATIONAL TOURIST OFFICE INC., et al.,
Defendants.

-----X
-----X
RASTKO and DRAGICA FERK, et al.,
Plaintiffs, 07 CIVIL 4104 (SAS)

-against-

OMNIGLOW CORPORATION, et al.,
Defendants.

-----X

Whereas by Opinion and Order dated August 16, 2007, this Court having disqualified Edward D. Fagan from further participation on behalf of plaintiffs in all of the above-captioned actions; because plaintiffs did not retain counsel within thirty days or notify the Court of their intention to proceed pro se within sixty days of the August 16 Order, the Court having deemed the pending motions for reconsideration moot and withdrawn, and the matter having come before the Honorable Shira A. Scheindlin, United States District Judge, and the Court, on June 10, 2008, having rendered its Opinion and Order directing the Clerk of the Court to dismiss these actions pursuant to the August 16 Order, [Nos. 03 civ. 8960; 03 Civ. 8961; 06 Civ. 2811; 07 Civ. 0935; 07 Civ.3881; and 07 Civ. 4104], it is,

ORDERED, ADJUDGED AND DECREED: That for the reasons stated in the Court's Opinion and Order dated June 10, 2008, these actions are dismissed pursuant to the August 16 Order, [Nos. 03 civ. 8960; 03 Civ. 8961; 06 Civ. 2811; 07 Civ. 0935; 07 Civ.3881; and 07 Civ.

"Exhibit 1A"

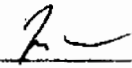
4104]; the Court also denies disqualified counsel Edward D. Fagan request that the Court enter the August 16 Order as a final judgment pursuant to Fed. R. Civ. P. 54(b).

Dated: New York, New York
June 16, 2008

J. MICHAEL McMAHON

Clerk of Court

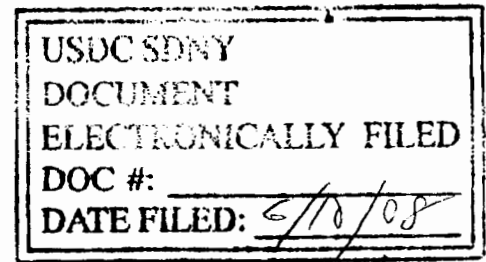
BY:



Deputy Clerk

**THIS DOCUMENT WAS ENTERED
ON THE DOCKET ON _____**

"Exhibit 1B"



UNITED STATES DISTRICT COURT
SOUTHERN DISTRICT OF NEW YORK

-----X
IN RE: SKI TRAIN FIRE IN KAPRUN :
AUSTRIA ON NOVEMBER 11, 2000 :

MDL # 1428 (SAS)

-----X
This document relates to the following actions:

-----X
JOHANN BLAIMAUER, et al., :

Plaintiffs, :

- against - :

OMNIGLOW CORPORATION, et al., :

Defendants. :

-----X
-----X
HERMAN GEIER, et al., :

Plaintiffs, :

- against - :

OMNIGLOW CORPORATION, et al., :

Defendants. :

-----X
-----X
NANAE MITSUMOTO, et al., :

Plaintiffs, :

- against - :

THE REPUBLIC OF AUSTRIA, et al., :

Defendants. :

-----X

ORDER

03-CV-8960 (SAS)

03-CV-8961 (SAS)

06-CV-2811 (SAS)

-----X		
NANAE MITSUMOTO, et al.,	:	
	:	
Plaintiffs,	:	
	:	
- against -	:	07-CV-935 (SAS)
	:	
ROBERT BOSCH	:	
CORPORATION, et al.,	:	
	:	
Defendants.	:	
-----X		
-----X		
JOOP H. STADMAN, et al.,	:	
	:	
Plaintiffs,	:	
	:	
- against -	:	07-CV-3881 (SAS)
	:	
AUSTRIAN NATIONAL TOURIST	:	
OFFICE INC., et al.,	:	
	:	
Defendants.	:	
-----X		
-----X		
RASTKO and DRAGICA FERK, et al.,	:	
	:	
Plaintiffs,	:	
	:	
- against -	:	07-CV-4104 (SAS)
	:	
OMNIGLOW CORPORATION, et al.,	:	
	:	
Defendants.	:	
-----X		
SHIRA A. SCHEINDLIN, U.S.D.J.:		

By Opinion and Order dated June 19, 2007 (the "June 19 Order"), this Court dismissed five of the six above-captioned actions on the ground of forum

non conveniens. The Clerk of the Court entered judgment on July 9, 2007 dismissing and closing those cases, which bear civil action numbers 03 Civ. 8960, 03 Civ. 8961, 06 Civ. 2811, 07 Civ. 0935, and 07 Civ.3881.¹ On July 31, 2007, plaintiffs in these actions moved for reconsideration and other relief pursuant to Local Rule 6.3 and Fed. R. Civ. P. 60(b).

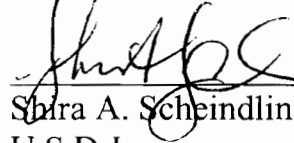
By Opinion and Order dated August 16, 2007 (the "August 16 Order"), this Court disqualified Edward D. Fagan from further participation on behalf of plaintiffs in all of the above-captioned cases. Because plaintiffs did not retain counsel within thirty days or notify the Court of their intention to proceed pro se within sixty days of the August 16 Order, the pending motions for reconsideration were deemed moot and withdrawn.² Although the August 16 Order directed the Clerk of the Court, once again, to enter judgment dismissing the actions should plaintiffs fail to comply, no subsequent judgment was entered. The Clerk of the Court is hereby directed to enter a final judgment dismissing these actions pursuant to the August 16 Order.

¹ The case captioned *Ferk, et al. v. Omniglow Corp., et al.* ("Ferk"), bearing civil docket number 07 Civ. 4104, was accepted by this Court as related to 03 Civ. 8960 on June 11, 2007 but was not dismissed by the June 19 Order. However, Fagan was disqualified from serving as counsel in *Ferk* (in addition to the cases dismissed by the June 16 Order) pursuant to the August 16 Order. For the reasons set forth in the June 19 Order, the Clerk of the Court is directed to enter judgment and close the *Ferk* action.

² See 10/18/07 Order.

By letter dated June 5, 2008, disqualified counsel Edward D. Fagan requested that the Court enter the August 16 Order as a final judgment pursuant to Fed. R. Civ. P. 54(b). That request is denied. However, Mr. Fagan may bring to the attention of the Court of Appeals that a final judgment has now been entered in all of the above-captioned cases.

SO ORDERED:



Shira A. Scheindlin
U.S.D.J.

Dated: New York, New York
June 10, 2008

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